



CASE TX/4-100-8388C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
MEINZER ET AL.

APPLICATION NO: 10/781,069

FILED: FEBRUARY 18, 2004

FOR: OIL-FREE PHARMACEUTICAL COMPOSITIONS CONTAINING
CYCLOSPORIN A

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on October 23, 2001 at Reel/Frame 012525/0981.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,475,519** issued November 5, 2002. Said Patent No. 6,475,519 is also assigned to Novartis AG by virtue of an assignment which the same assignment.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,475,519 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,475,519, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

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jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 4th day of February, 2005 by the undersigned attorney of record.

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